

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

CURTIS RACKLEY; ROSS & LINDSEY)
SMITHERMAN; JESSIE & TERESA)
HOLYFIELD; BOB & DEBRA PARKER,)
)
Plaintiffs,)
)
v.) CASE NUMBER: 1:07-cv-00748-CG-M
)
AMERIQUEST MORTGAGE COMPANY,)
INC.,)
)
Defendant.)

MOTION TO STAY

COME NOW the Plaintiffs and move this Honorable Court to stay this case and the implementation and enforcement of the Federal Rules of Civil Procedure in the above styled and numbered cause of action. As grounds in support of this motion the Plaintiffs state as follows:

1. On October 24th, 2007 the plaintiffs filed a Notice of Potential Tag-along

Action with Judicial Panel on Multidistrict Litigation which will conditionally transfer this case to the Northern District of Illinois for consolidated pre-trial proceedings pursuant to 28 U.S.C. § 1407.

2. A copy of the Notice of Potential Tag-along Action is attached herewith as exhibit 1.

3. Plaintiffs expect a transfer order to be entered in the near future.

4. No prejudice will result to any party by the granting of the stay.

Wherefore, premises considered, the Plaintiffs respectfully move the court to stay enforcement of the applicable Federal and local rules pending the final transfer order and for such other relief as may be appropriate.

Respectfully submitted this 6th day of November, 2007.

/s/ Earl P. Underwood, Jr.
Earl P. Underwood, Jr. UNDEE6591
21 South Section Street
Post Office Box 969
Fairhope, Alabama 36533-0969
251-990-5558 voice
251-990-0626 fax

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Stephen J. Bumgarner
Burr & Forman, LLP
3400 Wachovia Tower
420 North 20th St.
Birmingham, AL 35203

Kenneth J. Riemer
Kenneth J. Riemer, Attorney at Law
P.O. Box 1206
166 Government St.
Mobile AL 36633

/s/ Earl P. Underwood, Jr.
Earl P. Underwood, Jr.